



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/922,412

08/03/2001

Robert W. Cantwell

131105.1006

7272

32914 7590 05/13/2009
GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

EXAMINER

ROBERTS, BRIAN S

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

05/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/922,412	CANTWELL, ROBERT W.	
	Examiner	Art Unit	
	BRIAN ROBERTS	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/28/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☒ Claim(s) 1,5-17,19,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Claims 1, 5-17, and 19-22 remain pending.

Claim Objections

Claims 1, 5-9, 11-17, and 19-22 are objected to because of the following informalities:

- Claim 1 line 2 "Ethernet framed data" should read --Ethernet data frames--
- Claim 1 line 3 "each frame of data" should read --each Ethernet data frame--
- Claim 1 line 5 "of frames of the data" should read --of each Ethernet data frame--
- Claim 1 line 6 "the data" should read --each Ethernet data frame--
- Claim 1 line 8 "the Ethernet framed data" should read --the Ethernet data frames--
- Claim 1 line 10 "the Ethernet framed data" should read --the Ethernet data frames--
- Claim 1 line 10 "of ports" should read --of Ethernet ports--
- Claim 5 line 4 "into data from each port, and route the data" should read --into Ethernet data frames from each Ethernet port, and route the Ethernet data frames--
- Claim 6 line 2 "framed data" should read --data frames--.
- Claim 6 line 3 "the data" should read --the data frames--
- Claim 6 line 3 "each frame of data" should read --each data frame--

Art Unit: 2419

- Claim 6 line 4 "of frames of data" should read --of each data frame--
- Claim 6 line 5 "the data" should read --each data frame--.
- Claim 6 line 7-8 "multiplex the data" should read --multiplex the data frames--
- Claim 6 line 9 "the data includes data in Ethernet data frames" should read --the data frames are Ethernet data frames--
- Claim 6 line 10 "virtual LAN" should read --virtual local area network (VLAN)--
- Claim 7-8 line 2 "framed data" should read --data frames--
- Claim 7-8 line 2 "the data" should read --data frames--
- Claim 7-8 line 3 "each frame of data" should read --each data frame--
- Claim 7-8 line 5 "of frames of the data from each port" should read --of each data frame--
- Claim 7-8 line 6-7 "which the data is" should read --which each data frame is--
- Claim 7-8 line 8-9 "multiplex the data from" should read --multiplex the data frames from--
- Claim 7 line 12 "IP address" should read --internet protocol (IP) address--
- Claim 8 line 12 "the data" should read --each data frame--
- Claim 8 line 13 "a MAC address and IP address in the data" should read --a media access control (MAC) address, and internet protocol (IP) address in each data frame--
- Claim 9, 12 line 2 "framed data" should read --data frames--
- Claim 9, 12 line 2 "each frame of data" should read --each data frame--
- Claim 9, 12 line 4 "the frames of data" should read --each data frame--

Art Unit: 2419

- Claim 9 line 5 "port, without" should read --Ethernet port, without"
- Claim 9 line 6 "the port from" should read --the Ethernet port from--
- Claim 9, 12 line 5; "the data" should read --each data frame--
- Claim 9 line 7; claim 12 line 6 "the data" should read --the data frames--
- Claim 9 line 8; claim 12 line 7 "by synchronous" should read --by a synchronous--
- Claim 11 line 2 "the data comprises multiplexing the data into" should read --the data frames comprises multiplexing the data frames into--
- Claim 12 line 5 "port to identify the port from" should read --Ethernet port to identify the Ethernet port from--
- Claim 12 line 6 "the plurality of ports" should read --the plurality of Ethernet ports--
- Claim 12 line 9 "a VID field of a tagged MAC frame of the data" should read --a virtual local area network identifier (VID) field and each data frame is a tagged media access control (MAC) data frame--
- Claim 13 line 2 "SONET" should read --synchronous optical network (SONET)--
- Claim 14 line 3 "into data from each port" should read --into data frames from each Ethernet port--
- Claim 14 line 4 "the data from each port" should read --the data frames from each Ethernet port--
- Claim 15 line 9 "ports" should read --Ethernet ports--

Art Unit: 2419

- Claim 16 line 2 "the data" should read --the data frames--
- Claim 16 line 3 "a MAC address and IP address in the data" should read --a media access control (MAC) address, and internet protocol (IP) address in each data frame--
- Claim 17 line 1 "a plurality of ports" should read --a plurality of Ethernet ports--
- Claim 17 line 3 "framed data" should read --data frames--
- Claim 17 line 3 "frame of data" should read --data frame--
- Claim 17 line 5 "the framed data" should read --each data frame--
- Claim 17 line 7 "port from which the data" should read --Ethernet port from which each data frame--
- Claim 17 line 8 "the data" should read --the data frames--
- Claim 17 line 10 "the multiplexed data" should read --the multiplexed data frames--
- Claim 19 line 3 "framed data" should read --data frames--
- Claim 19 line 3 "each frame of data" should read --each data frame--
- Claim 19 line 5 "the framed data" should read --each data frame--
- Claim 19 line 7 "the data" should read --each data frame--
- Claim 19 line 9 "the data" should read --the data frames--
- Claim 19 line 11 "the multiplexed data" should read --the multiplexed data frames--

Art Unit: 2419

- Claim 19 line 13 "a VID field of a tagged MAC frame of the data" should read --a virtual local area network identifier (VID) field and each data frame is a tagged media access control (MAC) data frame--
- Claim 20 line 4 "routing the data from each port" should read --routing the data frames from each of the Ethernet ports--.
- Claim 21-22 line 3 "framed data" should read --data frames--
- Claim 21-22 line 3 "each frame of data" should read --each data frame--
- Claim 21-22 line 5 "the framed data" should read --each data frame--
- Claim 21-22 line 6 "the data" should read --each data frame--
- Claim 21-22 line 8 "the data" should read --the data frames--
- Claim 21-22 line 10 "the multiplexed data" should read --the multiplexed data frames--
- Claim 21 line 13 "IP address" should read --internet protocol (IP) address
- Claim 22 line 11 "receiving the single serial data stream" should read --receiving the data frames--
- Claim 22 line 12 "the data" should read --each data frame--
- Claim 22 line 13 "a MAC address and IP address in the data" should read --a media access control (MAC) address, and internet protocol (IP) address in each data frame--

Appropriate correction is required.

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 20

The limitation "demultiplexing the data stream from each port" is unclear and confusing because the claim does not recite the data stream being from an Ethernet port or ports. For the purpose of examination, the Examiner assumes the limitation should read --demultiplexing the data stream containing data frames from the plurality of Ethernet ports--

Allowable Subject Matter

Independent claims 1, 6-9, 17, 19 and 21-22 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BRIAN ROBERTS** whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **DANIEL RYMAN** can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR

05/09/2009

/Daniel J. Ryman/

Supervisory Patent Examiner, Art Unit 2419